

REMARKS

Applicants note with appreciation the Examiner's allowance of claim 11. Applicants have cancelled claim 13 and claims 15 – 17. Accordingly, all objections and rejections based on those claims are now moot. Applicants have also added new claims 18 and 19. The remainder of the Examiner's objections and rejections are addressed below.

Objections

The examiner objected to Applicants' submission of SEQ ID NOS: 1 and 2 in the papers filed February 14, 2003. As shown above, Applicants have removed those two sequence listings from the specification. Also, as requested by the Examiner, and as shown above, Applicants have provided a sequence listing number for the sequence found on the specification at page 26, line 18. Applicants have submitted an electronic copy of a replacement sequence listing, dated as of today, in accordance with 37 C.F.R. §1.821. The electronic replacement submission does not include new matter. The sequence identified as SEQ ID No. 1 in the electronic submission is the same as that listed as SEQ ID No. 3 in the paper filed February 14, 2003.

Applicants have otherwise amended the specification and the claims as requested by the Examiner to address the examiner's objections based on typographical errors and other informalities. Applicants have also amended claim 12 to address the examiner's concern about improper form.

As advised by the examiner, Applicants confirm that the subject matter of the various claims was commonly owned when the invention was made. The Examiner's assumption to this effect is accordingly confirmed.

Claim Rejections

The Examiner has rejected claim 14 based on 35 U.S.C. §101 and §112 for directing the claim to non-statutory subject matter and for being indefinite. The Applicants have amended the claim to be directed to a method of treating cancer, rather than a "use," and Applicants believe this amendment fully addresses the grounds of the rejection. Accordingly, the Examiner is respectfully requested to withdraw the stated rejections.

The Examiner has rejected claims 1 and 14 under 35 U.S.C. §102(b) in view of European Patent Application 771,565. Applicants have amended these claims to remove C₁₋₄ alkoxy carbonyl from the permissible substituents for R₆ and respectfully submit that this amendment obviates the grounds of the rejection.

The Examiner has also rejected claim 14 under 35 U.S.C. §102 and §103 in view of Japanese Patent Application 03-127732. Applicants note that amended claim 14 is directed to a method of treating cancer, whereas the '732 application does not disclose or suggest the applicability of the compound to the treatment of cancer. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested..

CONCLUSION

For the foregoing reasons, the Applicants respectfully request reconsideration and withdrawal of the pending rejections and objections. Applicants believe that the claims are in condition for allowance and early notification to this effect is earnestly solicited. Any questions arising from this submission may be directed to the undersigned at (617) 951-7000.

Applicants request a 2-month extension of time for filing this reply. Please charge the appropriate fee for this request to our **Deposit Account No. 18-1945**. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit account. If there are any other fees due in connection with the filing of this submission, please charge the fees to our Deposit account.

Date: November 20, 2003

Customer No: 28120
Docketing Specialist
Ropes & Gray LLP
One International Place
Boston, MA 02110
Phone: 617-951-7000
Fax: 617-951-7050

Respectfully Submitted,



Charles Larsen.
Reg. No. 48,533